

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 9987 of 2003

Between:

T.A. Emanuel, S/o Late L.W. Emanuel,
aged 49 years, R/o Bungalow No.213,
Mudfort, Secunderabad, rep. by his
General Power of Attorney Mr. A.M. Emanuel,
S/o Late L.W. Emanuel, R/o No.212, MudFort, Secunderabad.

..... PETITIONER

AND

1. Executive Officer, Secunderabad Cantonment Board,
Secunderabad.
2. Appellate Authority Under Section 274 of the Cantonments
Act, 1924, Pune-411 001.

...RESPONDENTS

Petition under Article 226 of the Constitution of India
praying that in the circumstances stated in the Affidavit filed
herein the High Court may be pleased to issue a writ of certiorari
or any other appropriate writ or order or direction and quash the
notice/order dated 9-10-2000 issued by the first respondent-
Executive Officer, Secunderabad Cantonment in Ef.No.EB/UAC/
B.No.213/Mudfort, 577/3756 as well as the order of the second
respondent - appellate authority, Pune, passed under section 274
of the Cantonments Act, 1924, dated 4-04-03 in appeal No.10 of
2001 after calling for the records.

Counsel for the Petitioner: MR.Y.KRISHNA REDDY

Counsel for the Respondents 1 & 2: MR. DEEPAK

BHATTACHARJEE

The Court made the following ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondents.

Learned counsel for the petitioner fairly submits that he is not contesting the finding recorded by the original authority or appellate authority in issuing notice to remove the unauthorized construction, which is said to have been made by the petitioner, but submits that in view of the first proviso to Section 185 of the Cantonments Act 1924, the petitioner may be permitted to make an application for compounding or composition/regularization of the construction so made and till such application is filed and disposed of, further proceedings pursuant to the notice can not be proceeded with.

Learned counsel for the respondents submits that if there is any scheme for such compounding then only the application will be considered.

Having regard to the said fact, the petitioner is permitted to make an application to the respondent board within four weeks from today for compounding/regularization of the construction which is so made and on making such application, the respondent board shall consider the same after giving an opportunity to the petitioner to put forth his case and pass appropriate orders. Till appropriate orders are passed, the demolition pursuant to the notice shall not be proceeded with.

Accordingly, the Writ Petition is disposed of.

22nd June, 2004.

*Nsr/Js

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION

OFFICER

To

1. The Executive Officer, Secunderabad Cantonment Board, Secunderabad.
2. The Appellate Authority under Section 274 of the Cantonments Act, 1924, Pune-411 001.
3. Two CD copies.

